

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4376

IN THE MATTER OF:

Served August 25, 1994

Application of D&R ENTERPRISES)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-94-32

By application accepted for filing July 8, 1994, D&R Enterprises (D&R or applicant), a nonprofit corporation chartered in DC, seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on July 12, 1994, in Order No. 4341, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --
(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
(ii) that the transportation is consistent with the public interest.

Applicant seeks a certificate of authority to conduct operations it was recently found fit to provide under temporary authority, which expires January 31, 1994.¹ Nothing contrary has been added to the record since that finding. The Commission therefore finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements.² The Commission further finds that the proposed transportation is consistent with the public interest. Applicant's temporary authority shall expire upon issuance of a certificate of authority, but no later than the time provided in Order No. 4358.³

¹ In re D&R Enters., No. AP-94-31, Order No. 4358 (Aug. 4, 1994).

² In re Malek Investment, Inc., t/a Montgomery Airport Shuttle, No. AP-91-45, Order No. 3915 at 3 (Mar. 25, 1992).

³ Order No. 3915 at 4.

THEREFORE, IT IS ORDERED:

1. That D&R Enterprises, 322 H Street, N.E., Washington, DC 20002, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

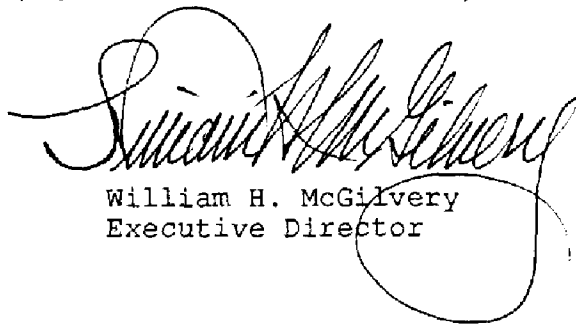
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 269 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 269 shall be issued to applicant, and the temporary authority granted in Order No. 4358 shall expire.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director